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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/509,283	08/11/00	KROCZEK	R 50125/011001

HM12/1019

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CLARK & ELBING
176 FEDERAL STREET
BOSTON MA 02110

EXAMINER

ROARK, J

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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09/509283

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

Roark

ART UNIT	PAPER
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1644

17

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed 5/25/01 is not fully responsive to the Office communication mailed 11/27/00 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Newly submitted SEQ ID NO:2 does not correspond to original SEQ ID NO:2, nor does it correspond to the encoding nucleic acid sequence in SEQ ID NO:1. The discrepancy is at position 151, or possibly 152 or 153, of instant SEQ ID NO:2 - a Val has been omitted versus the originally filed sequence listing. Applicant is required to submit a declaration by a person in a position to corroborate the fact which attests that the changes made to the amino acid (and/or nucleic acid) sequence(s) of SEQ ID NO:2 were made to correct errors occurring in the original sequence(s), and that the corrected sequences were obtained by sequencing the identical source material as identified in the originally filed specification. The declaration should be accompanied by evidence documenting that the changes made, correct errors discovered in the original sequence data. Alternatively, if the change was introduced through error, Applicant should clearly so indicate and point to appropriate support for the correct sequence. Also, see MPEP 2422.08.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Jessica Roark, Art Unit 1644, whose telephone number is (703) 605-1209.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

Jessica Roark, Ph.D.
Art Unit 1644
Technology Center 1600
October 18, 2001

Phillip Gambel
PHILLIP GAMBEL, PH.D.
PRIMARY EXAMINER
Tech Center 1600
10/18/01

Notice to Comply

Application No.

09/509,283

Examiner

Jessica H. Roark

Applicant(s)

KROCZEK, RICHARD

Art Unit

1644

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Newly submitted SEQ ID NO:2 does not correspond to original SEQ ID NO:2, nor does it correspond to the encoding nucleic acid sequence in SEQ ID NO:1. The error appears to be at position 151, or possibly 152 or 153, of instant SEQ ID NO:2 - a Val has been omitted versus the originally filed sequence listing.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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